

CM / ECF

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What is CM / ECF?

CM/ECF - Case Management / Electronic Case Files - is an Internet-based document filing system. CM/ECF is user-friendly and offers many benefits to the public, attorneys, and the court.

The electronic filing system streamlines the process of creating, filing, and noticing legal documents by permitting attorneys in civil and criminal cases to file documents with the Court and deliver them to opposing parties directly from their computers using the Internet. It has the potential to provide substantial savings to attorneys, their clients, and the Court while improving access to Court records.

Some of the benefits are:

- Case information, including the docket sheet and the filed documents, is available for viewing and downloading to attorneys and the public at any time from locations other than the courthouse, via the internet through the PACER system at a cost of eight cents per page. **ATTORNEYS AND PARTIES ARE PROVIDED FREE ACCESS ONE TIME TO DOCUMENTS FILED ELECTRONICALLY IN THEIR CASES.**
- Parties, the judge, court staff and the public can review the case files simultaneously.
- Registered attorneys can file case documents 24 hours a day, 7 days a week, over the internet, with no additional filing fees. Attorneys can file case documents from their offices or homes right up to the filing deadline, without worrying about postage, messenger services, weather problems, or traffic congestion.
- Attorneys filing over the internet automatically create docket entries, and docket sheets are updated immediately when documents are filed.
- An automatic verification, in the form of a “Notice of Electronic Filing”, is sent by e-mail to the filer immediately after filing.
- Parties to litigation can receive immediate notice by e-mail of activity in their case that contains a hyperlink to the filed document.
- Since CM/ECF uses internet standard software, the out-of-pocket cost of participation for attorneys is typically very low.

What Cases are included in Electronic Filing?

All civil and criminal cases in the District of South Dakota are included in the CM/ECF system. Anyone with a PACER account can access the CM/ECF system and get case and party

information, along with images of the documents. Please note that the images of some documents may be restricted to only court users, or the attorneys for the parties in the case.

If you have both a PACER account and a CM/ECF login and password, you will also be able to e-file most civil and criminal documents. The sealed functionality of the CM/ECF system has been modified so that those attorneys that are involved in a sealed case *can* be given access to the case, for queries or for e-filing, but no other public user will have that capability. They must, however, make that request. The e-filing of **sealed documents** in any case is prohibited at this time.

What hardware and software are needed to file documents in CM/ECF systems?

Technical requirements are minimal and inexpensive. Filers will need the following hardware and software to file documents in the CM/ECF electronic filing system:

- A personal computer running a standard platform such as Windows or Macintosh.
- A PDF-compatible word processor like windows or macintosh based versions of WordPerfect or Word.
- Internet service to access CM/ECF as well as an e-mail account. Dial-up connections work, but a faster connection such as DSL or cable is always better.
- Internet Explorer 6.0 and 7.0 or Firefox 1.5 and 2.0. The browser must be JavaScript enabled.
- Several word processing and other programs contain features that convert documents created in those programs into PDF. CM/ECF systems are designed to accept only documents in PDF format. This format was chosen because it allows a document to retain its pagination, formatting and fonts no matter what type of computer is used to view or print the document. It is also an open standard format. Adobe developed the format, and offers software that allows conversion of documents created in most word processing systems into PDF. This software is recommended. Software is available that will convert documents from a word processor format to PDF. Adobe Acrobat PDF Writer is recommended.
- Adobe Acrobat Reader, which is available for free, is needed for viewing PDF documents.
- A scanner may be necessary to create electronic images of documents that are not in your word processing system. Please be advised that scanned documents submitted via electronic filing need to have a minimum resolution of 300 ppi (pixels per inch). Please make sure your scanner and/or PDF software is set accordingly.

- A CM/ECF account from this Court
- A PACER account. Contact the PACER Service Center at <http://pacer.psc.uscourts.gov> or by calling them at 1-800-676-6856.

Adobe Acrobat's portable document format (PDF) is the key to the system because it makes all documents viewable in their original format on any computer regardless of whether they were scanned or created by a word processor and irrespective of the type of computer or word processing software used by the individual who created them or by others who wish to view them. Please note that although we have numerous people successfully e-filing using various Linux, Unix and Apple Macintosh computers, the ECF Help Desk does not support or have any information regarding these operating systems. At this time, the ECF Help Desk solely supports Microsoft Windows.

How does electronic filing work?

To file electronically, attorneys create their documents on their computers just as they normally do. Instead of printing the document on paper, the attorney saves it in a portable document format (PDF) that can be read by others with all formatting intact, regardless of the type of computer or word processor they use. Attorneys then access the electronic filing system through their Internet provider over the World Wide Web. After establishing their identity by providing a Court assigned user identification name and password that serves as their signature for electronically filed documents, attorneys indicate the case number that their document applies to, the party the document is being filed on behalf of and the type of document (answer, motion, etc.) being filed. The document is then sent over the internet to the Court's computer which immediately sends a receipt back to the attorney's screen verifying that the document has been received. The receipt can be printed or saved to disk for future reference. Additionally, the system automatically creates a docket entry and makes both the updated docket sheet as well as the document itself instantly available to anyone with access to the internet. The system also sends e-mail notification of the filing to all the parties who desire electronic notice of the filing (except in cases that are sealed or may be otherwise restricted).

Are other Federal courts using electronic filing?

E-filing is a national initiative for the Federal Judiciary. CM/ECF systems are now in use in 98% of the federal courts including the Court of International Trade and the Court of Federal Claims. CM/ECF is in the process of being implemented in the appellate courts as well. Most of these courts are accepting electronic filings. Over 28 million cases are on CM/ECF systems, and more than 250,000 attorneys and others have filed documents over the internet. You can find additional information about CM/ECF as well as links to court sites by going to the PACER Service Center website at www.pacer.psc.uscourts.gov. The PACER Service Center is the federal judiciary's centralized registration, billing, and technical support center for PACER

where you will find updates and information about electronic filing in the Federal Judiciary from a national perspective. The PACER web site has an abundance of information regarding the system, including their own list of FAQ's (Frequently Asked Questions) and would be a valuable resource for you.

Who may register to e-file?

E-filing adheres to Rule 11 of the Federal Rules of Civil Procedure.

Pursuant to the **Standing Order** (also available on our web page), the e-filing login and password together constitute one's signature for all the purposes of Rule 11 of the Federal Rules of Civil Procedure. Just as paper pleadings had to have the participant's signature, electronically filed documents must bear the participant's "e-filing signature" (their login and password).

Please note that you do *not* need to register more than once. Even if you change firms, your e-signature remains valid. ***You are required to keep your e-mail information current.*** However, you must notify our office to update your address or telephone number, or any other personal information.

If you do not want to electronically file your documents, we will allow you to register for the system for the purpose of *receiving electronic notice*. Attorneys admitted pro hac vice to the Court will **not** receive an e-filing login and password but will be required to register for the system for the purpose of receiving electronic notice.

I've lost my password. Do I need to register again?

No! You are registered for life. If you have lost or forgotten your login or password, you may either call the Help Desk at (605) 330-6600 or e-mail us at ecfhelp@sdd.uscourts.gov. We will ask you several key questions to get the information we require to verify that you are who you say you are. We can look up your login and give you another password. We will then send your new login and/or password to you at the e-mail address that was submitted on your registration form. After logging in again with your new login and password, you can then change the password to something that is more familiar to you, if you so choose. To do so, follow these steps:

- 1) Go to Utilities on the dark blue tool bar
- 2) Under the heading "Your Account", click on "Maintain Your Account"
- 3) Click on the "More User Information" button at the bottom of the next screen
- 4) Type in your new password and click on the button "Return to Account Screen"
- 5) Click on the "Submit" button at the bottom left hand corner of the screen.
- 6) The next screen will list the cases in which you participate and you should make the changes to "all the cases" by clicking on "submit". You will see some information from the system as it makes the updates and then confirms that you have succeeded.

What should we do when an attorney leaves the firm?

When an attorney leaves a firm, both the attorney and the firm need to consider the implications to the CM/ECF noticing system. If cases will move with the attorney, all the attorney needs to do is to change his/her e-mail notification set up and submit a change of address to the Clerk's Office. If cases will remain with the firm, the firm will need to ensure that the Court docket accurately reflects the proper attorney of record and that the new attorney of record is properly set up to receive e-mail notification. Law firms may also wish to consider the best method of handling e-mail addressed to the firm for the departed attorney. Summarily removing the attorney from the firm's e-mail system with no further action, may result in notifications being missed. Firms may wish to consider whether their own e-mail systems should forward such e-mails to the attorney at his/her new address, or to another attorney within the firm.

How do I update my contact information?

You can maintain your own account information for the purpose of changing your password and adding or changing your e-mail information. Your e-filing login is your signature equivalent, and it doesn't change when you change firms any more than your handwritten one does. However, please contact the Clerk's Office to make any changes in your address, firm or telephone information. Please note that if a Notice of Electronic filing is returned to us as undeliverable because you have failed to keep your e-mail address information current, we will make an attempt to locate you although we are not required to do so. To change your password or your e-mail address information:

- 1) Once logged in, go to **Utilities** on the dark blue tool bar
- 2) Under **Your Account**, Click on **Maintain Your E-mail** to make changes there, **Maintain Your Password** to makes changes there, or **Maintain Your Account** to makes changes to both your email and your password
- 3) Do not change your own address, firm or telephone information. Please contact the Clerk's Office to make this change
- 4) Make the necessary changes to your email or password
- 5) Click the **Submit** button to save the changes
- 6) You will see a list of cases in which you participate. You may spread the changes to all of them by selecting "Update All" and then clicking "Submit". You will see some chat back from the system as it makes the various updates. The system will confirm that the "update was successful"

- 7) If you have left a law firm, you should also change the PACER login associated with your filer account, assuming that you have set up such an association. On the **Utilities** menu on the dark blue bar, click **Change Your PACER Login**. Replace your old firm's login with that of your new firm, and check the box to make the new PACER login your default login.

Attorney Signatures

The user login and password required to submit documents to the ECF system also serve as the registered attorney's signature on all electronic documents filed with the court. They also serve as a signature for purposes of the Federal Rules, the local rules and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block and must set forth the name, address and telephone number. In addition, the name of the registered attorney under whose login and password the document is submitted must be preceded by an "S/" and typed in the space where the signature would otherwise appear:

/S/ [name of attorney who signed the document]

Signature of a Criminal Defendant

Any document containing the signature of a defendant in a criminal case must be filed in paper form with an original written signature. The document will then be scanned and e-filed by court staff and the original document will be retained by the court.

What does "Terminate Deadlines" mean when it comes up as I'm doing a filing?

When you see message appear, it means that the transaction you are posting might represent the satisfaction of a deadline previously established. The screen that says "Terminate Deadlines" is there for informational purposes. On the following screen you may well see an item that represents the setting of that pending deadline, with a check box next to it. If you check the box, it will let the system know that the deadline is no longer pending. If you fail to do this, someone here at the court should catch it later and take care of the deadline.

How Does Service Work? Do I have to serve paper copies of e-filed documents?

Pursuant to the **Standing Order**, the "Notice of Electronic Filing" that is automatically generated by the court's ECF system constitutes service of the filed document on filing users. Parties who are not Filing Users must be served with a copy of any pleading or other document

filed electronically in accordance with the Federal Rules of Procedure and the local rules. A certificate of service must be included with all documents filed electronically indicating that service was accomplished through the Notice of Electronic Filing for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.

If everyone in your case is a registered e-filer, then the e-mailed Notice of Electronic Filing takes care of service for them all. The only time you'll need to serve paper, and create a paper proof of service, is in the event that you have an exhibit too large to e-file. If you file that exhibit on paper, you will also have to serve it on paper.

If not everyone in the case has registered, then service for those who are not getting e-mail Notices of Electronic Filing takes place exactly as it always did prior to the advent of e-filing. All the federal and local rules apply.

You can use the report called "Mailing Information for a Case" to establish, in advance of your e-filing, whether there is someone in the case whom you will have to serve the old-fashioned way. If there is, you can prepare your paper proof of service, make it the last page of your pleading, and PDF the whole thing, e-file the PDF document that includes the proof of service page, and print a copy to serve on the party who has not registered.

Are there any things which should not be filed electronically?

- Pursuant to the **Standing Order**, the filing of the initial papers in a civil case will be filed by court staff. The following complaint-like documents can be e-filed by counsel:

Amended Complaint

Counterclaim

Crossclaim

It is anticipated that attorneys will be allowed to open civil cases in the near future. That functionality will include the ability to pay the filing fee with a credit card.

- In criminal cases, the

Complaint

Information

Indictment

Superseding Information

Superseding Indictment

Issuance and Service of summons and warrants

will be accomplished in the traditional manner, on paper rather than electronically, with the filing done by court staff.

- **Sealed Documents**
Pursuant to the **Standing Order**, documents ordered to be placed under seal must be filed conventionally and not electronically unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. A copy of the order granting the motion to file a document under seal must be attached to the document that is to be filed under seal when that document is delivered to the clerk.
- **Ex parte Documents**
Ex parte documents may now be electronically filed. This has changed due to a software upgrade that protects all Ex Parte motions from being viewed by opposing counsel.
- **E-Government Act / Privacy Policy / Redaction**
In conformance with the privacy policy of the Judicial Conference of the United States, certain personal information (including **Social Security number, names of minor children, birth dates, and financial account numbers**) must be redacted in all filings, both electronic and paper. There is additional redaction information on our website at www.sdd.uscourts.gov
- **Pro Hac Vice Applications**
Pro Hac Vice applications must be filed in paper format, since there is a fee. This also may change with a future software upgrade.
- **Discovery Information**
Discovery information between counsel is not typically e-filed (the same as the paper world) unless specified otherwise.
- **State Court records**
State court records and other Rule 5 materials in habeas corpus cases filed under 28 U.S.C. 2254 should not be filed electronically.
- **Exhibits**
Exhibits which are **physical objects or anything other than documents** should not be filed electronically. This includes electronic files which cannot be converted to PDF, such as music files and videos that are unsuited to filing in any manner other than the old-fashioned one.

What is “too big”?

Some documents, particularly scanned documents, will be of a size that makes it impractical to upload or download them. Here are a couple of rough approximations of what you might expect for upload or download time for different kinds of connections for a megabyte of data

(approximately one million characters, spaces included). These are only approximations. Your mileage will most certainly vary!

- T1 line with little traffic: 1 megabyte per second
- DSL or cable: 2-5 seconds per megabyte
- 56K modem: 3-7 minutes per megabyte

We have learned that documents of 3 megabytes in size or more are more likely to be troublesome in terms of failing to open properly, etc. If the size of your scanned exhibit exceeds 3 megabytes, you should consider filing it manually.

Testing here at the court, we were able to scan approximately 80-100 pages into a 3 MB PDF file using the lowest resolution.

How do I tell how big my file is?

When you have the file open in Acrobat, you can get a document summary that will tell you a number of things about the file, including its size. Do:

File → Document Properties → Summary
or type a Control-D to open the document summary dialog box. File sizes are listed in KB (kilobytes); a thousand KB equals a megabyte (MB).

What about Attachments and Exhibits

Pursuant to the **Standing Order**, registered attorneys may submit, in electronic form, all documents referenced as exhibits or attachments, unless the court permits conventional filing. An attorney must submit, as exhibits or attachments, only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court.

When I log in, I don't get the dark blue toolbar. Instead it just says ECF / PACER Login at the top left of my screen. What's wrong?

This happens most often to people using Internet Explorer. It seems that the information the browser caches from a previous session makes it think that when you return to our page, there is no need to re-run the bit of JavaScript that paints the toolbar. Sometimes clearing the cache and restarting the browser will help:

Tools → Internet Options → Delete Temporary Internet Files

In fact, you can set this up so that these temporary internet files are removed automatically. Again you will go to Tools → Internet Options and click on the Advanced tab at the top. Under

the Security section, put a check mark in the box in front of “Empty Temporary Internet Files folder when browser is closed.”

In the same Temporary Internet Files section, under Settings, you can also make sure that you have picked the option to Check for Newer Versions of Stored Pages on every visit to the page.

If that doesn’t work, you can disable IE’s ability to accept cookies (the files stored on your PC that are used to “remember” characteristics of a previous session.) Go to Tools → Internet Options → Security → Internet → Custom Level → Disable Cookies to do this. You may very well find that this has an impact on other things you do on the web, so you may want to re-enable cookies again after your session on our site.

Lastly, if you have a copy of one of the older versions of Netscape that we recommend, you can use that for your session with the e-filing site.

When I log in, my blue toolbar is missing the Civil and Criminal options that allows me to e-file. How can I get the options to file?

The Civil option that allows one to e-file only appears when you use a valid e-filer login. It will not show up in the blue toolbar if you have logged on with a PACER login.

Sometimes you won’t see the Civil and Criminal options even when you have logged in using an e-filer login if the same browser session was previously used for a PACER login. Your browser remembers what the toolbar looked like, and in an attempt to be efficient, does not re-run the script that creates the toolbar. If you close the browser completely and open a fresh session, and then use your e-filer login, the Civil option should appear. You might also try clearing your browser cache to try to make it more completely forget the previous session.

I understand I need a PACER account to use the e-filing system. How do PACER and E-filing fit together?

Besides your e-filer login, a PACER (Public Access to Court Electronic Records) account is also required to retrieve documents from the e-filing system. If you do not already have a PACER account, you may request one by calling the PACER Service Center in San Antonio, TX at 1-800-676-6856, or by visiting their web site at <http://pacer.psc.uscourts.gov>

The PACER Service Center can also provide phone support for e-filing users; specifically, the PSC staff can assist with browser issues, Adobe Acrobat installation and use, general navigation around a Judiciary e-filing site like ours, etc. The hours of the PSC are 8 AM to 5 PM Central time. Their web site contains many helpful tips on the use of the system, including an extensive FAQ section. They can also be reached via e-mail at pacer@psc.uscourts.gov.

A separate ECF login is required to file documents. Only attorneys may register to become e-filers, but anyone can sign up for a PACER account.

When you receive a Notice of Electronic Filing in your e-mail, you'll note that the case number and document number are both hyperlinks. Alternatively, the document number may be accompanied by a URL that you can paste into your browser's address window to retrieve that document. You can click through from the document number to retrieve the pleading. That first retrieval from the e-mailed Notice of Electronic filing is free. Subsequent retrievals, even of documents which you have posted, will be charged for.

How do I start receiving email notices from CM / ECF?

Log into the CM/ECF system with your court-issued login and password. (Your PACER login will not have sufficient privileges to access this information.) Click on "Utilities". Click on "Maintain Your Account". On the screen titled Maintain User Account, click on 'Email information' at the bottom of the page. Enter your email address in the box for 'Primary E-mail Address'. You can send additional notices to other email addresses by checking the box 'Add Additional E-mail Address' and entering the e-mail address information in the 'Secondary E-mail Addresses' box. Make sure you put a check mark in the box under the heading "In All My Cases", or designate specific cases for each secondary e-mail address, whichever is appropriate. Click "Submit" when the e-mail address information is complete.

You can choose to receive an individual notice for each filing, or a summary notice with all the filings from the previous day. Either the individual or summary notice will contain hyperlinks back to the documents. You can choose to receive the email notices in HTML or text format. You should choose the format based on the type of email program you use on your end. After completing the information requested on the screen, click on "Submit". The system will search for all of the cases in which you are an attorney of record and produce a list of those cases. You can now choose to *** Update All ***, *** Update None ***, or select only certain cases for which you want the new email information to be changed. The normal selection here would be to "*** Update All ***". You should receive a confirmation message on the screen that your email preferences were successfully updated.

Make sure that you keep your email address information current so you don't miss receiving notices. PLEASE NOTE: If a Notice of Electronic Filing is returned to us as undeliverable because you have failed to keep your e-mail address information current - or because your e-mail server or ISP is experiencing problems - we will make an attempt to contact you to rectify the situation although we are not required to do so. It would be prudent to check the status of your cases, especially if you have been experiencing ISP or server problems.

How do I get my free copy of newly filed documents?

Each attorney of record in a case will receive an e-mail message containing a hyperlink to a document that has been filed. One free look is available to each attorney of record that is signed up for CM/ECF or has signed up to be notified electronically.

Attorneys are able to list multiple e-mail addresses in their e-mail account so that other parties or persons can be notified of filings as well. The free look will be given to each e-mail recipient listed in the attorneys e-mail account. For example, attorney John Doe is the attorney of record in a case. He has added his secretary and paralegal to his e-mail account so they receive e-mail notifications as well. All three people will receive the Notice of Electronic Filing and will be given one free look at the document. Please note that the hyperlink to access the document will expire after **15** days. Any time that same hyperlink is accessed after it has expired, the user will be asked for a PACER login and will be charged to view the document. All users are advised to print or save the document during the initial viewing period in order to avoid future charges.

Why do I have to pay to retrieve documents, including the ones I filed?

In 1991, the Congress mandated that the Judiciary charge for retrieval of information from its electronic systems so that those systems would be self-supporting. (Judiciary Appropriations Act of 1991, P.S. 101-515 Section 404 (November 5, 1990)). The PACER Service Center has posted a history of Judiciary electronic public access that describes the evolution of the electronic public access program.

It should be noted that the trend of public access charges has been steadily downward since they were first imposed in 1990. The fee for retrieval is presently \$.08 per page, where a page is described as 54 lines of data.

There is a cap of \$2.40 (30 pages) for a single document or case specific report including docket sheets. Each attachment in CM/ECF is considered a separate document. Therefore the cap will apply to each attachment over 30 pages separately. No fee is owed until an account holder accrues charges of more than \$10 in a calendar year.

How can I search for a word or phrase on a web page?

Once you select a document to review, you can perform a word search by clicking on EDIT, then clicking on either "Find and Replace", or "Find in Document" (or pressing Ctrl + F), and entering the word(s) you wish to locate in the document. For documents in PDF format (viewable using Adobe Acrobat Reader), search by clicking on "TOOLS" and then "FIND" (or Ctrl + F), and proceed the same way. Note, if the PDF document is an image file, as opposed to a text file, searching the document is *not* possible. As the names imply, a text file is one created in the first

instance using a word processing, spreadsheet, or similar program, while an image file is created by scanning a document using a document scanner or fax machine.

How can I search for documents within a case?

PACER users now can access PDF documents for a case without first running a Docket Report. The QUERY menu has an option called “View a Document” that presents the user with a single text entry field. If the user enters a document number in this field and the document is available to PACER users or to the specific CM/ECF user, the Transaction Receipt is displayed. If the user clicks the “View Document” button, the document is displayed. This provides a way to access documents without first being charged to access the Docket Report.

What is the difference between Sealed and Ex Parte in CM/ECF?

The first version of our electronic filing system (CM/ECF) differentiated between documents filed ex parte and documents filed under seal. A document filed ex parte was assumed to be a public document unless the court ordered that the document be filed under seal. For that reason, we emphasized in training that if an ex parte document was meant to be filed under seal, counsel must file a motion requesting that the document be filed under seal. Because we do not allow counsel to file sealed documents, the ex parte document, as well as any related documents requesting that it be filed under seal, had to be filed in paper form with the Clerk’s Office. However, the current version of CM/ECF treats ex parte documents differently. An ex parte matter filed with the District of South Dakota is now treated similarly to a sealed document. When an ex parte matter is filed, the Notice of Electronic Filing (NEF) is sent to counsel *for the filing party ONLY*. Opposing counsel does not receive the electronic notice. In addition, only counsel for the filing party can see the docket entry and access the document in CM/ECF. Neither the docket entry or document are available to opposing counsel. It is also not available for viewing on PACER and cannot be accessed on the public access terminal in the Clerk’s Office. *Counsel may now file ex parte matters electronically.* **All ex parte documents will have restricted access so counsel will no longer need to file motions asking the court to seal the ex parte document(s).** If you have any questions about this, please contact the Clerk’s Office.

Is the system available around the clock?

The system is generally available around the clock. A registered attorney whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court. In addition, there will be times when we need to do maintenance or upgrades on the system. We’ll announce those in advance. Generally, when downtime is scheduled, it will occur on Sundays. As a rule, it’s better not to plan to need to use the system on Sunday if you can avoid it.

If the system is up 24 hours a day, does that affect deadlines for filing?

Yes, with a couple of caveats: If your deadline specifies a time, then nothing changes because the case is a e-filing case. Your filing is still due at that time. If your deadline specifies “the close of the business day”, the business day is considered to be the one experienced by human beings, not the one experienced by computer servers. Please also keep in mind that we are spread out over two time zones. The system clock that time stamps your filing is located on the CM/ECF server in Sioux Falls and will make the time as Central Time.

If your deadline specifies only a date, then your filing is timely as long as it is completed before midnight on that day. Note that the filing must be complete: that means that the Notice of Electronic Filing that appears at the successful conclusion of your e-filing, and that contains a time stamp, must show up with a time prior to midnight on the date of your deadline. This is one of the reasons that we discourage making a practice of filing late at night. The behavior of the internet is not entirely predictable. And, if you are experiencing a problem with your e-filing in the late evening, there will not be anyone at the court for you to talk to.

The initial point of contact for any practitioner experiencing difficult filing a document electronically shall be the **ECF Help Desk**. (See our home page)

Can the general public view CM/ECF cases and the documents in those cases?

Yes, the public can access case data in CM/ECF unless it has been sealed by the court or is otherwise restricted. The public access component of CM/ECF will require a user to enter a PACER login and password. Because the PACER login and CM/ECF filing login will be different, a filing attorney will need both. Established PACER users will automatically have access to these sites; a new account does not need to be created. For those currently not registered with PACER, a PACER account may be obtained at:

<http://pacер.psc.uscourts.gov/register.html>

What Events may I choose when E-Filing and where can I find them?

Our local web page at www.sdd.uscourts.gov has a listing of all civil and criminal events that you can select when filing your document. Click on the CM/ECF button. In addition, each of the menu options have drop-down boxes that list the events that are available to you.

What Events and Documents are excluded from E-Filing?

- The e-filing of sealed documents in any case is prohibited at this time
- In civil cases, initiating documents such as a Complaint, Habeas Corpus Petitions, and

applications for Writs of Garnishment, as well as the issuance and service of the summons (see page 10 of this document).

- In criminal cases, any initiating document such as a Complaint, Indictment, Information, Superseding Informations and Superseding Indictments.
- PHV applications
- Discovery information, unless otherwise specified
- State Court records in habeas corpus cases filed under 28 U.S.C. 2254
- Exhibits which are physical objects or anything other than documents. This includes such things as electronic files that cannot be converted to PDF, such as music files and videos. If in doubt, please contact our office for more information.

Can one attorney file on behalf of another?

No, it can be confusing in the case because the wrong attorney will be associated with the action. As soon as any attorney files in a case, they become associated with that party in the case until a Motion to Withdraw is submitted to the court and approved by the Judge. Since e-filing is tied to a single attorney and that attorney's login and password represents his or her personal signature, it's best to have the correct attorney e-file.

Can any attorney file on any case?

Yes. Right now the ECF system does not limit on which cases the attorney can participate.

I'm filing a Stipulation, when it asks to Select the Party, do I select all of them?

NO! When filing any document on the ECF system, you should ONLY file on behalf of YOUR client(s).

What about a Notice of Entry of Order?

Pursuant to the Standing Order, immediately upon the entry of an order or judgment in an action, the clerk will transmit to the registered attorneys in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Civ.P. 77(d) and Fed.R.Crim.P. 49(c). The clerk must give notice in paper form to any person who has not consented to electronic service.

I'm trying to docket an event and it tells me that this transaction has already been posted, but I look on the docket and it's not there?

What has probably happened is that you docketed an event for a case, and then clicked on the browser back button a few times to get to a point where you could enter another case number and then docketed another event. By clicking the back button, instead of clicking on 'Civil' or 'Criminal' on the blue tool bar, you are keeping the information pulled for the last case you docketed from completing. As long as you click on the menu item instead of clicking on "Back", you'll be fine. Only use the back button to correct a mistake on an event you are in the process of docketing. Do not use the back button to change cases.

How can I verify whether or not all the documents I filed electronically were posted?

To ensure the documents transmitted arrive in their entirety, it is important to examine the document after it is received by the court. This can be done by viewing the docket sheet for the case and selecting the transmitted document. The number of the transmitted documents appears on your electronic filing receipt.

When I query a case in CM/ECF, it gives me the previous case I looked at instead.

The information in your cache from a previous session makes it think you want to return to that page. Sometimes clearing the cache and restarting the browser will help. Use Tools → Internet Options → Delete Temporary Internet Files. In the same Temporary Internet Files section, under Settings, you can also make sure that you have picked the option to check for newer versions of stored pages on every visit to the page.

I tried to file a document but it says "format not recognized". What am I doing wrong?

All documents must be submitted in PDF (portable document format) with an extension of ".pdf". Two common errors occur. First, a user thinks that he or she saved the document in PDF. The user then tries to file the WordPerfect or Word version of the document; not the saved PDF version. Second, a user fails to indicate the full path name for the PDF file that he or she wants to upload. Because the system could not find the file, it responded with the "format not recognized" message. The solution is to provide the full path name when identifying the file (example: "c:\documents\motion.pdf") during the upload process.